IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 185 OF 2006
IN
WRIT PETITION NO. 2493 OF 2006

Satish Laxman Gawte ..Petitioner
Vs.
The State of Maharashtra and anr. ..Respondents

Mr. P.K. Dhakephalkar with Mr. J.S. Deo for petitioner.
Ms. M.P. Thakur, AGP for respondent nos.1 and 2.

CORAM: B.H. MARLAPALLE & J. H. BHATIA,JJ.

Dated: December 22, 2006.

P.C.:

1. Mr. Deo the learned counsel, who has instructed Mr. Dhakephalkar the learned Senior Counsel appearing for the applicant, undertakes to file no objection certificate of Mr. Tangsali the learned Advocate who appeared originally in Writ Petition No.2493 of 2006, within one week from reopening of the court after the Christmas vacation.

2. Writ Petition No.2493 of 2006 came to be disposed as withdrawn and this review petition has been filed praying for recall of the said order.

3. It is pointed out by Mr. Dhakephalkar that in Writ Petition No.2493 of 2006 filed on 9/3/2000, the main challenge was to the Judgment and Order of the

Maharashtra Administrative Tribunal dated 30/7/1999 thereby confirming the order of dismissal dated 7/10/1998 and the challenge to the said order had not attained finality so far as this court is concerned.

4. We have also noted that the prayer clause in Writ Petition No.2493 of 2006 was substituted by way of an amendment so as to include the prayer for setting aside the subsequent orders dated 31/1/2006 as well as the order passed by the MAT in O.A. No.905 of 2006 on 18/10/2006. Undoubtedly, our reasoning in holding that the challenge to the order dated 31/1/2006 rejecting the representation dated 1/10/2005 and the order dated 18/10/2006 passed by the MAT in O.A. No.905/2006 had reached finality so far as this court is concerned, cannot be termed to be an error on the face of the record. Nevertheless, the challenge to the order of dismissal dated 7/10/1998 and as turned down by the MAT in O.A. No.192 of 1999 remains to be considered by this Court in Writ Petition No.2493 of 2006 which was at some stage dismissed in default and subsequently restored.

5. Hence the leave granted to withdraw the petition by the order under review requires reconsideration.

6. Having heard Mr.Dhakephalkar the learned Senior Counsel and the learned AGP, we recall the order of withdrawal of Writ Petition No.2493 of 2006 and correct our order dated 13/11/2006 so far as the last paragraph is concerned in the following terms:-

> "This petition will, therefore, survive only to the limited extent of the petitioner's challenge to the Judgment and Order dated 30/7/1999 rendered by the MAT confirming the order of dismissal dated 7/10/1998. Petition be listed for final hearing only for this limited adjudication, in normal course."

7. Review Petition is partly allowed.

8. Issue fresh writ and a copy of this order shall be placed on record in Writ Petition No.2493 of 2006.

(J.H. Bhatia, J.) **(B.H. Marlapalle,J.)**